

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

JANE PARK,

Plaintiff(s),

v.

TRANSPORTATION SECURITY
ADMINISTRATION,

Defendant(s).

CASE NO. C23-1369-KKE

ORDER GRANTING DEFENDANT’S
MOTION TO DISMISS

This matter comes before the Court on Defendant’s motion to dismiss. Dkt. No. 3. Ms. Park, proceeding *pro se*, filed a notice of small claim in King County District Court in December 2022, contending that her handbag was damaged during a security check at the airport. *See* Dkt. No. 1 & Ex. A.

Defendant Transportation Security Administration (“TSA”) removed that action to this Court on September 5, 2023, and the same day filed a motion to dismiss, arguing that Ms. Park’s complaint should be dismissed because Ms. Park failed to exhaust her administrative remedies before filing suit or, alternatively, because she did not properly serve TSA. Dkt. Nos. 1, 3. TSA e-mailed and mailed a copy of the motion to Ms. Park. *See* Dkt. No. 3 at 8. Ms. Park did not file an opposition or otherwise respond to TSA’s motion. *See* Dkt. No. 9.

1 The Court agrees with TSA that Ms. Park's notice of small claim for monetary damages
2 was prematurely filed because Ms. Park has not yet exhausted her administrative remedies. *See*
3 28 U.S.C. § 2675(a); *McNeil v. United States*, 508 U.S. 106, 107 (1993) ("An action shall not be
4 instituted upon a claim against the United States for money damages unless the claimant has first
5 exhausted his administrative remedies."). Ms. Park filed a claim with TSA in September 2022,
6 and TSA's claims management branch notified her in November 2022 that her claim was deficient
7 because it "fails to specify the exact amount that you seek as compensation for your damage, loss,
8 or injury." *See* Dkt. No. 4, Exs. A & B. Ms. Park did not subsequently amend her claim or provide
9 any other correspondence. Dkt. No. 4 ¶ 7. As noted above, Ms. Park filed her notice of small
10 claim in December 2022. *See* Dkt. No. 1, Ex. A. Nonetheless, it appears that Ms. Park's
11 administrative claim remains open at this time. Dkt. No. 4 ¶ 8.

12 Because Ms. Park's failure to exhaust her administrative remedies deprives the Court of
13 subject matter jurisdiction, the Court GRANTS TSA's unopposed motion to dismiss. Dkt. No. 3.
14 Ms. Park may choose to pursue her administrative claim with TSA, but this matter is DISMISSED.

15 Dated this 3rd day of October, 2023.

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18 Kimberly K. Evanson
19 United States District Judge
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